

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WP(C).No. 15189 of 2007(G)

PETITIONER:

R.J.SHANKAR,S/O.M.S.RANGANATHAN,
KARTHIKA,HOUSE NO.2651 B,
CHALIKKAVATTOM,VYTILA P.O.,
ERNAKULAM DISTRICT.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.PRAVEEN K. JOY

RESPONDENTS:

1. STATE OF KERALA,
REP.BY SECRETARY,
SECRETARIAT,TRIVANDRUM.
2. COMMISSIONER OF POLICE,
ERNAKULAM.
3. S.I.OF POLICE,
PALARIVATTOM POLICE STATION.
4. DY.S.P.(ACP),CRIME BRANCH,
DETACHMENT,EDAPPALLY,
KOCHI-24,ERNAKULAM.
5. SUPERINTENDENT OF POLICE,
CRIME BRANCH CENTRAL,
PANAMPILLY NAGAR,
ERNAKULAM.
6. GEORGE,S/O.CHACKO,
KIZHAKKEKATTUPARAMBIL,
PALATHJURUTHU DESOM,
ELAMKULAM VILLAGE,
KANAYANNUR TALUK,ERNAKULAM.
7. FR.ANDREW CHALIL,S/O.LATE ANDRAYOSE,
TOPPER STRAPPE,14-48507,
OCTRAP,GERMANY,LOCAL SAME ADDRESS AS ABOVE
AND ALSO CHALIL HOUSE,VALACHIRAKKARA VILLAGE,
VAIKOM TALUK,KOTTAYAM.

R1 TO 5 BY GOVT. PLEADER SRI. M.S. BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

R. BASANT, J.

W.P.C.No. 15189 of 2007 G

Dated this the 3rd day of June, 2007

JUDGMENT

The petitioner is the defacto complainant and his grievance is that no proper investigation is being conducted into a crime registered at his instance. Initially a Sub Inspector of Police had conducted the investigation and had submitted a refer report. The petitioner had raised objections before the Commissioner of Police, Ernakulam and a further investigation was ordered to be conducted. The grievance of the petitioner is that no proper further investigation has been conducted so far.

2. The learned Govt. Pleader on behalf of the Investigator submits that it is not a case where the Investigator has not conducted an adequate and proper investigation. He received permission from the learned Magistrate to conduct further investigation under Section 173(8) Cr.P.C. only on 25.9.2006. Further investigation is in progress. The Investigator has a grievance that the complainant is not adequately co-operating with the Investigator and is not making necessary documents available to the Investigating Officer. The

counsel for the petitioner stoutly denies this assertion. I am satisfied that appropriate directions can be issued for the proper further conduct of the investigation.

3. The Investigating Officer may serve a notice in writing calling upon the petitioner to produce whatever documents he needs within a period of 30 days and the petitioner shall within a further period of 30 days produce all available documents before the Investigating Officer. Appropriate steps for further investigation shall be conducted and a final report shall be filed as expeditiously as possible, at any rate, within a period of six months from this date.

4. With the above observations, this Writ Petition is allowed in part.

(R. BASANT)
Judge

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